

AMENDMENTS IN THE CLAIMS

Amendments to the claims are included in a separate paper. In general, the amendments to the claims provide details of cooperation between the elements / limitations of the invention as suggested by the Examiner in the First Office Action in regard to Allowable Subject Matter.

It is believed that no new matter is presented in the amended claims. The term “operatively connected” used to describe the battery, light and solar-electric cell may be found in the application as originally filed, page 5, line 10, with considerably more detail of electrical charging and so on located on pages 9 and 10. Page 11, lines 12 through 14 and other citations in the text teach that the free standing support may support the ornament. Location of electrical components either in or on the ornament is discussed at page 9, lines 5 through 8 and other places.

Certain claims are cancelled to speed prosecution.

RESPONSE

Claim Rejections Under 35 USC Section 112, First Paragraphs 1, 2 and 3 of the First Office Action

The Examiner presently rejects the claims for lack of cooperative terminology but suggests that the independent Claim 1 would be allowable if re-written to overcome this rejection.. Cooperative terminology from the detailed disclosure as originally filed has been

imported into the claims.

For this reason, the applicant respectfully submits that Claim 1 as amended, and those claims dependent therefrom, are in condition for immediate allowance and such action is respectfully requested.

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Claims Rejections Under 35 USC Section 102, Second Paragraphs 1, 2 and 3 and Paragraph 4 of the First Office Action

The Examiner presently rejects Claims 2, 4, 5, 7 and 16 for anticipation.

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It is believed that the amendments to the claims render these rejections moot: remaining claims depend upon Claim 1, which the Examiner has previously deemed allowable if re-written to overcome Sec. 112 rejection.

Claims Rejections Under 35 USC Section 103, Paragraphs 5 and 6 of the First Office Action

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The Examiner presently rejects Claim 6 as being obvious over Arcadia et al or Wenzel et al. Claim 6 has been amended to depend from re-written Claim 1, itself deemed allowable if re-written to overcome Sec. 112 rejections. Claim 1 having been re-written, the applicant respectfully urges that Claim 6 is thus allowable and such action is respectfully urged.

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Allowable Subject Matter, Paragraphs 7 and 8 of the First Office Action

The Examiner has in the First Office Action identified subject matter of Claims 1 and 3 as allowable if re-written to overcome the rejections dealing with Sec 112. The subject matter of dependent Claim 3 been incorporated into independent Claim 1, and Claim 1 has been re-written to include cooperative relationships the Examiner suggested.

5 For this reason, the applicant respectfully submits that Claim 1 as amended, and claims dependent therefrom, are in condition for immediate allowance and such action is respectfully requested.

Conclusion, Paragraph 9 of the First Office Action

10 For all the foregoing reasons, applicant respectfully urges that the application is now in condition for immediate allowance, and such action is requested. The Examiner and supervisory personnel are respectfully urged to contact applicant's counsel, Craig W. Barber, PO Box 16220, Golden, Colorado, 80402-6004, 303-278-9973, fax 303-278-9977, with any questions or
15 comments, or with regard to any proposals for Examiner's amendments, or with regard to any further rejection at the time of final review by supervisory personnel.

Signed: 

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